

REMARKS/ARGUMENTS

The applicants' attorneys appreciate the Examiner's thorough search and remarks.

Applicants note with appreciation the Examiner's indication that claims 1, 2, 5-7, 10 and 12 are allowed.

Applicants submit with this response proposed drawings to overcome the objection to the drawings. Entry is respectfully requested. Applicants submit that formal drawings, compliant with the M.P.E.P. will be provided in due course.

In paragraph 2 of the Office Action, the Examiner states in considering patentability of the claims, the Examiner presumes that the subject matter of the various claims is commonly owned. Applicants respectfully confirm that, to their understanding, all of the subject matter of the claims of the present application was commonly owned at the time of the invention.

Claims 13-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wislocky (U.S. Patent No. 3,831,067), as applied to claim 13, and further in view of Koichi (JP 55-050659). Claims 13-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Koichi. Applicants respectfully traverse these rejections.

Claim 13 provides, in combination with other limitations:

- an annular flange connected to said insulation ring at an end thereof;
- a first pole being in surface-to-surface electrical contact with said first electrode, said first pole unitarily including an annular rib extending from an outer surface throughout;
- a circular connector connecting said annular rib and said annular flange, thereby connecting said first pole to said flange.

As the Examiner notes, neither Wislocky nor Koichi discloses a circular connector connecting an annular rib to an annular flange. The Examiner, however, concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the annular rib, flange and circular connector by separate parts. The Examiner bases this opinion on *Newin v. Erlichman*, 168 USPQ 177, 179 (BdPatApp& Int 1969), which, in the Examiner's view, held that constructing a formerly integral structure in various elements involves only routine skill in the art. Applicants respectfully disagree.

In *Nerwin*, the issue was whether the senior party's disclosure supported a count in an interference. The junior party contended that the limitation at issue set forth two separate elements for performing two specified functions, whereas the senior party's disclosure showed a single element that performed the two functions. The Board ruled in favor of the senior party, stating, "[t]he mere fact that a given structure is integral does not preclude its consisting of various elements." (Citing *Howard et al. v. Detroit Stove Works*, 150 U.S. 164, 65 O.G. 1765, 1893 C.D. 659). The issue of obviousness simply never arose.

Applicants respectfully submit that there is no suggestion in Wislocky or Koichi, or any other reference cited by the Examiner, to provide the elements in applicants' claim 13, as well as the interrelationship of the elements in cooperating to connect the first pole to the flange.

Applicants respectfully disagree with the Examiner's reasoning that, based upon *Nerwin v. Erlichman*, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the annular rib, flange and circular connected by separated parts, because it has been held that constructing a formerly integral structure of various elements involves only routine skill in the art." Applicants respectfully submit that it was not the holding in *Nerwin v. Erlichman* that "constructing a formerly integral structure and various elements involves only routine skill in the art." Applicants further respectfully submit that the legal precedent supporting the rejection is not factually similar to the present invention, which relates to a compression assembled package.

In addition, applicants respectfully submit that the Examiner has failed to consider the invention recited in claim 13 as a whole. M.P.E.P. §2141.02. Wislocky appears to disclose headers that are in contact with electrodes of a semiconductor device, and retained in place with header rims attached to a side of the headers by welding or brazing. The headers and header rims are assembled to the insulation ring disclosed by Wislocky under heat in a compression fit. In contrast, the present invention recited in claim 13 calls for a circular connector between an annular rib of a first pole and an annular flange supported by an insulation ring. The assembly of the device of the present invention is therefore made advantageous without the need to weld a header ring directly to a header. In addition, the arrangement of the circular ring with the annular rib and flange permit a greater degree of flexibility for an urging force imparted to the pole in

contact with the semiconductor device. The device by Wislocky is unable to accomplish this feature, because once it compression fitted together, it remains in the same state, dependent upon the penetration of the header rim into the insulation ring. Accordingly, the present invention recited in claim 13 calls for elements that are not disclosed or suggested by Wislocky.

Applicants respectfully submit that the Examiner has not met the initial burden of presenting a prima facie case of obvious. Applicants further respectfully submit that the Examiner has not provided a convincing line of reasoning as to why one skilled in the art would have found the claimed invention to be obvious in light of what the references teach.

Claims 14-21 depend from claim 13, and, therefore, include its limitations. These claims include other limitations, which in combination with those of claim 13 are not shown or suggested by the art of record. Reconsideration is requested.

Claim 22 calls for, in combination with other limitations, "an insulation ring having an interior wall annularly disposed around said semiconductor die; ... a second pole...; wherein said second pole includes an annular flange which extends radially away from said second pole and penetrates said interior wall to become embedded in said insulation ring." Applicant respectfully submits that Wislocky et al., Koichi, or the combination of both, does not show a pole having an annular flange that penetrates the interior wall of the insulation ring as set forth in claim 22. Reconsideration is requested.

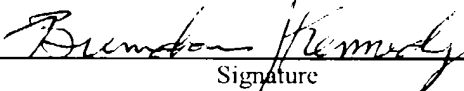
Claims 23-25 depend from claim 22, and, therefore, include its limitations. These claims include other limitations which in combination with those of claim 22 are not shown or suggested by the art of record. Reconsideration is requested.

The application is believed to be in condition for allowance. Such action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 12, 2003:

Brendan J. Kennedy

Name of applicant, assignee or
Registered Representative

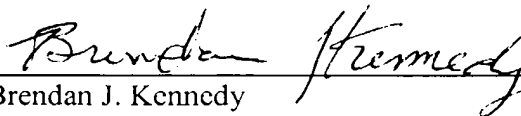


Signature

May 12, 2003

Date of Signature

Respectfully submitted,



Brendan J. Kennedy

Registration No.: 41,890

OSTROLENK, FABER, GERB & SOFFEN, L.L.P.

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

SHW:JJF:ck